

ORDINANCE _____

AN ORDINANCE changing the name of the Department of Design, Construction and Land Use to the Department of Planning and Development; amending Seattle Municipal Code Chapter 3.06 to reflect this change and changing a fund name to reflect this change; amending Seattle Municipal Code Sections 23.60.908 and 23.84.008 to reflect this name change; updating other obsolete references throughout the Seattle Municipal Code; and authorizing the Code Reviser to make changes over time to all references elsewhere in the Seattle Municipal Code necessary to reflect the name change.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 3.06 of the Seattle Municipal Code is redesignated "Department of Planning and Development," and section 3.06.010 is amended as follows:

SMC 3.06.010 Department created.

A. There is created a Department of ~~((Design, Construction and Land Use))~~ Planning and Development for the purpose of providing stewardship of the City's Comprehensive Plan, taking a lead role in overseeing and implementing the Comprehensive Plan, and administering City ordinances which regulate building construction, the use of land, and housing.

B. ((As of January 1, 1999 the Department of Construction and Land Use shall be known as the Department of Design, Construction and Land Use. As of the effective date of this ordinance, the Department of Design, Construction and Land Use shall be known as the Department of Planning and Development.

C. ((As of January 1, 1999)) As of the effective date of this ordinance, all references to "Construction and Land Use," "Design, Construction and Land Use", "Department of Construction and Land Use," "Department of Design, Construction and Land Use," "Director of Construction and Land Use," "Director of Design, Construction and Land Use," ((or)) the "Department of Construction and Land Use Fund," "Department of Design, Construction and Land Use Fund", and "DCLU" ((shall be)) are deemed to be references to "(Design, Construction and Land Use) Planning and Development"; "Department of ((Design, Construction and Land Use)) Planning and Development"; "Director of ((Design, Construction

1 ~~and Land Use))~~ Planning and Development"; (~~or~~) the "Department of (~~Design, Construction~~
2 ~~and Land Use))~~ Planning and Development Fund", or "DPD", respectively, except where the
3 historical reference to "Construction and Land Use," "Design, Construction and Land Use",
4 "Department of Construction and Land Use," "Department of Design, Construction and Land
5 Use," "Director of Construction and Land Use," "Director of Design, Construction and Land
6 Use," (~~or~~) the "Department of Construction and Land Use Fund," "Department of Design,
7 Construction and Land Use Fund", or "DCLU" is called for by context.

8 D. The City's Code Reviser is authorized to amend the Seattle Municipal Code over time
9 as he or she deems appropriate in order to carry out (~~this~~) the name change authorized by this
10 ordinance.

11 Section 2. Section 3.06.015 of the Seattle Municipal Code is amended as follows:
12 **SMC 3.06.015 Hours of operation.**

13 A. Except as set forth in subsection B of this section, the Applicant Services Center of
14 the Department of (~~Design, Construction and Land Use~~) Planning and Development shall be
15 open for transaction of business a total of at least forty-four (44) hours per week, between the
16 hours of seven (7:00) a.m. and five-thirty (5:30) p.m., Mondays through Fridays. These hours
17 may vary by day of the week.

18 B. In weeks containing one (1) or more days designated as holidays by RCW 1.16.050 or
19 containing Martin Luther King, Jr.'s birthday holiday, the third Monday of January, the
20 Applicant Services Center of the Department of (~~Design, Construction and Land Use~~) Planning
21 and Development shall be closed on those days, but shall be open a total of at least forty-four
22 (44) hours less the number of hours it would normally be open on the weekdays on which
23 holidays fall in that week.

24 C. The Director of (~~Design, Construction and Land Use~~) Planning and Development
25 shall establish and may revise from time to time the business hours of the Applicant Services
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Center of the Department of ~~((Design, Construction and Land Use))~~ Planning and Development
by rule promulgated in accordance with Chapter 3.02 of the Seattle Municipal Code.

Section 3. Section 3.06.020 of the Seattle Municipal Code is amended as follows:

SMC 3.06.020 Director -- Appointment and removal.

The Director of ~~((Design, Construction and Land Use))~~ Planning and Development shall
be appointed by the Mayor and confirmed by a majority of the City Council subject to
reappointment and reconfirmation every four (4) years; and the Mayor may at any time remove
the Director of ~~((Design, Construction and Land Use))~~ Planning and Development upon filing a
statement of reasons therefor with the City Council.

Section 4. Section 3.06.030 of the Seattle Municipal Code is amended as follows:

SMC 3.06.030 Director -- Powers and duties.

The Director of the Department of ~~((Design, Construction and Land Use))~~ Planning and
Development, under direction of the Mayor, shall manage the Department of ~~((Design,
Construction and Land Use))~~ Planning and Development, appoint, assign and dismiss all
employees in conformance with the City's personnel ordinances and rules, and perform the
following functions:

A. Enforcing building ordinances of the City, including but not limited to the provisions
of the Building Code; the Electrical Code; the Mechanical Code; the Housing and Building
Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance;
the Condominium Conversion Ordinance; the Energy Code; the Stormwater, Grading and
Drainage Control Ordinance; and appropriate regulations;

B. Processing applications for construction permits, for grading permits, for use permits,
for zoning exceptions, for subdivisions and for other land use approvals, including those related
to shorelines management, but excluding those related to historic preservation;

C. Stewarding, overseeing and implementing the City's Comprehensive Plan, including monitoring and proposing updates to the Comprehensive Plan, related plans associated with growth management and the shoreline master program as required or directed;

D. Preparing and maintaining and proposing updates of such sub-area land use plans as required or directed;

E. Conducting reviews of the effects of proposed projects on the environment, as contemplated in the State Environmental Policy Act and City ordinances;

F. Promoting the conservation of the City's housing stock;

G. Maintaining appropriate records regarding property, permits and structures;

H. Providing appropriate administrative and staff support to the Seattle Planning Commission and the Seattle Design Commission; provided, however, that a) the independence of the Planning Commission recommendations pursuant to Article XIV, Section 3 of the City Charter is preserved, b) that the Planning Commission is able to respond to requests and provide advice to the Mayor and/or Council at its discretion, and c) the Commission is able to participate in the selection of staff to support the Commission and have approval authority with respect to the selection and assignment of the principal staff person;

I. Discharging such other responsibilities as may be directed by ordinance.

The Director shall consult on all matters of structural strength and design with an assistant who is a licensed structural engineer or architect with at least five (5) years' experience in the practice of his/her profession, unless the Director possesses such qualifications. Moreover, the Director shall consult on all matters concerning compliance with design guidelines with a qualified architect or urban designer with at least five (5) years of experience in the practice of his/her profession, unless the Director possesses such qualifications.

Section 5. Section 3.06.040 of the Seattle Municipal Code is amended as follows:

SMC 3.06.040 Director — Agreements, rules and regulations.

1 The Director of (~~Design, Construction and Land Use~~) Planning and Development is
2 authorized to enter into such agreements, including interdepartmental agreements, consistent
3 with provisions of law and the City Charter, as he or she shall deem appropriate for carrying out
4 the responsibilities, functions, and activities of the Department of (~~Design, Construction and~~
5 ~~Land Use~~) Planning and Development and may establish such rules, procedures and regulations,
6 consistent with this chapter and other ordinances, as may appear necessary and proper.

7 Section 6. Section 3.06.050 of the Seattle Municipal Code is amended as follows:
8 **SMC 3.06.050 Director — Fees and charges.**

9 The Director of (~~Design, Construction and Land Use~~) Planning and Development shall
10 charge such fees for licenses, permits, inspections, reviews and other services and approvals as
11 may be provided by ordinance.

12 Section 7. Section 3.06.055 of the Seattle Municipal Code is amended as follows:
13 **SMC 3.06.055 Restricted Set-Asides.**

14 A. The Director of Executive Administration shall create within the Department of
15 (~~Design, Construction and Land Use~~) Planning and Development Fund a set-aside account
16 funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides
17 for the following municipal purposes:

18 1. Staffing Stability -- to allow the Department of (~~Design, Construction and~~
19 ~~Land Use~~) Planning and Development to retain trained staff during cyclical economic
20 downturns so that the experience and abilities of that staff are available to customers when the
21 economy again turns upward.

22 2. Technology -- to accumulate needed funding to assure that major technology
23 systems of the Department of (~~Design, Construction and Land Use~~) Planning and Development
24 can be upgraded or replaced when necessary.

25 3. Technology Currency -- to hold funds adequate to accomplish normal personal
26 computer replacements for the Department of (~~Design, Construction and Land Use~~) Planning
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1 and Development for a single year so that normal upgrades can occur even in the trough of an
2 economic downturn.

3 4. Strategic Planning and Implementation -- to allow the Department of ((~~Design,~~
4 ~~Construction and Land Use~~)) Planning and Development to plan ahead for continuous process
5 improvements to better serve its customers, and to implement those plans, including staff
6 training and equipment.

7 B. 1. Expenditures from the set-aside account shall be made only when expressly
8 authorized by the City Council either by identification in the budget ordinance or other
9 ordinance, or as set out in subsection B2 below with respect to the staffing stability set-aside.

10 2. The Director of Department of ((~~Design, Construction and Land Use~~))
11 Planning and Development may, within the limits of that department's budgeted expenditure
12 authority, draw on the appropriate subdivision of the staffing stability set-aside for the purpose
13 established in subsection A1 to pay staffing costs associated with a particular regulatory revenue
14 source, but only when doing so is consistent with the most recently adopted financial policies for
15 the department. The Director shall provide sixty (60) days notice in advance to the chair of the
16 City Council's Finance, Budget and Economic Development Committee, or its successor
17 committee with responsibility for making recommendations on legislative matters relating to
18 budget and financing of each proposed use of the staffing stability set-aside under authority of
19 this subsection B2.

20 Section 8. Section 3.06.080 of the Seattle Municipal Code is amended as follows:

21 **SMC 3.06.080 Continuation of rules and regulations.**

22 All rules, regulations and procedures in effect as of ((~~December 31, 1998~~)) the effective
23 date of this ordinance, with respect to the activities carried on by the Department of Design,
24 Construction and Land Use shall continue to be in effect until they expire of their own terms or
25 are superseded by new rules, procedures and regulations adopted in conformance with the
26 Administrative Code or other applicable law.

Section 9. Subsections D and E in Section 6.82.020 of the Seattle Municipal Code are amended as follows:

SMC 6.82.020 Definitions

* * *

D. "Department" means the Department of ~~((Design, Construction and Land Use))~~ Planning and Development.

E. "Director" means the Director of the Department of ~~((Design, Construction and Land Use))~~ Planning and Development or his/her duly authorized representative.

* * *

Section 10. Subsections 'Department' and 'Director' in Section 6.230.030 of the Seattle Municipal Code are amended as follows:

SMC 6.230.030 Definitions

* * *

"Department" means the Department of ~~((Design, Construction and Land Use))~~ Planning and Development.

"Director" means the Director of the Department of ~~((Design, Construction and Land Use))~~ Planning and Development and authorized representatives.

* * *

Section 11. Subsection "Department" in Section 7.24.020 of the Seattle Municipal Code is amended as follows:

SMC 7.24.020 Definitions.

As used in this chapter:

"Department" means the Department of ~~((Construction and Land Use (DCLU)))~~ Planning and Development or its successor.

* * *

Section 12. Subsection B in Section 10.52.010 of the Seattle Municipal Code is amended as follows:

SMC 10.52.010 Definitions.

* * *

B. "Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, or the Director's designee.

* * *

Section 13. Subsection D in Section 15.02.042 of the Seattle Municipal Code is amended as follows:

SMC 15.02.042 Definitions A through C

* * *

D. "Authorizing official" means the Director of Transportation, the Director of ~~((Construction and Land Use))~~ Planning and Development, the Superintendent of Parks and Recreation, or the Seattle Center Director, identified in Section 15.04.015, as the case may be.

* * *

Section 14. Subsection B in Section 15.02.044 of the Seattle Municipal Code is amended as follows:

SMC 15.02.044 Definitions D through M

* * *

B. "Director of Construction and Land Use" means the ~~((City))~~ Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, and his or her authorized representatives.

* * *

Section 15. Subsections A and C in Section 15.04.015 of the Seattle Municipal Code are amended as follows:

SMC 15.04.015 Authorizing official.

* * *

b. Class II attachment requests are subject to public notice and comment.

Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the Superintendent of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to ~~((DCLU))~~ the Department of Planning and Development and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The ~~((DCLU))~~ recommendation of the Department of Planning and Development shall be advisory to the Superintendent:

Zone	Street Type	Zoning Height Limit	Pole Height Requested
SF, L-1, NC-1	Nonarterial	<40	<60
SF, L-1, NC-1	Arterial	<40	>60
L-2, L-3, L-4, NC-2	Either	<40	>60
NC-3, C, I, MI	Either	<40	>60

* * *

Section 17. Subsection 5 in Section 21.16.030 of the Seattle Municipal Code is amended as follows:

SMC 21.16.030 Definitions

* * *

5. "Director of Construction and Land Use" means the Director or employees of The City of Seattle Department of ~~((Construction and Land Use))~~ Planning and Development.

* * *

Section 18. Subsection A in Section 22.204.050 of the Seattle Municipal Code is amended as follows:

SMC 22.204.050 Definitions -- D.

A. "Director" means the Director of the Department of ((~~Design, Construction and Land Use~~)) Planning and Development for the City of Seattle and/or the Director's designee.

* * *

Section 19. Subsections A and C1p in 22.206.160 of the Seattle Municipal Code are amended as follows:

SMC 22.206.160 Duties of Owners

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;
2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;
3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;
4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;
5. Remove vegetation and debris as required by SMC Section 10.52.030;
6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building; provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not appropriate. Numbers shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high;

9. Maintain the building in compliance with the requirements of Section 104(d) of the Seattle Building Code;

10. Comply with any emergency order issued by the Department of ~~((Construction and Land Use))~~ Planning and Development; and

11. Furnish tenants with keys for the required locks on their respective housing units and building entrance doors.

* * *

p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of ~~((Design, Construction and Land Use))~~ Planning and Development has recorded receipt of a copy of the notice of termination. For purposes of this subsection a person has "engaged in criminal activity" if he or she:

i. Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or

ii. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

* * *

Section 20. Subsection D in Section 22.210.030 of the Seattle Municipal Code is amended as follows:

SMC 22.210.030 Definitions

* * *

D. "Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, or the Director's designee.

* * *

Section 21. Subsection A in Section 22.220.040 of the Seattle Municipal Code is amended as follows:

SMC 22.220.040 Definitions.

A. "Director" means the director of the Department of ~~((Construction and Land Use))~~ Planning and Development or the Director's designee.

* * *

Section 22. Section 22.801.010 of the Seattle Municipal Code is amended as follows:

SMC 22.801.010 General.

For the purpose of this subtitle, the words listed in this chapter have the following meanings, unless the context clearly indicates otherwise. Terms relating to pollutants and to hazardous wastes, materials, and substances, where not defined in this subtitle, shall be as defined in Washington Administrative Code Chapters 173-303, 173-304 and 173-340, the Seattle Building Code or the Seattle Fire Code, including future amendments to those codes. Words used in the singular include the plural, and words used in the plural include the singular.

1 ((~~Effective July 5, 2000, all~~)) All references in the Seattle Municipal Code Chapters 22.800
2 through 22.808 to "SPU" shall be deemed references to "Seattle Public Utilities". All references
3 in the Seattle Municipal Code Chapters 22.800 through 22.808 to "Department of Construction
4 and Land Use," "Department of Design, Construction and Land Use," "Director of Construction
5 and Land Use," "Director of Design, Construction and Land Use," or ("Seattle Public
6 Utilities")), "DCLU", shall be deemed references to ("DCLU," "DCLU," "Director of DCLU,"
7 "Director of "DCLU" or "SPU," respectively") "Department of Planning and Development",
8 "Director of Planning and Development" or "DPD". The City's code reviser is authorized to
9 amend the Seattle Municipal Code Chapters 22.802 through 22.808 over time as he or she deems
10 appropriate in order to carry out these changes.

11 Section 23. Subsection A in Section 22.900A.020 of the Seattle Municipal Code is
12 amended as follows:

13 **22.900A.020 Purpose.**

14 A. It is the purpose of this subtitle to prescribe equitable fees and fee collection policies
15 for all services provided by the Department of ((~~Design, Construction and Land Use~~)) Planning
16 and Development, hereafter, "Department" or "DCLU" which are sufficient to support the
17 permitting and permit inspection functions of the Department.

18 * * *

19 Section 24. Subsection F in Section 22.903.020 of the Seattle Municipal Code is
20 amended as follows:

21 **22.903.020 Definitions.**

22 * * *

23 F. "Director" means the Director of the Seattle Department of ((~~Construction and Land~~
24 Use)) Planning and Development or the Director's designee.

25 * * *

Section 25. Subsection B in Section 22.904.010 of the Seattle Municipal Code is amended as follows:

SMC 22.904.010 Definitions.

* * *

B. "Certificate of completion" means the Director of the Department of ~~((Construction and Land Use's))~~ Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation report and plan, has complied with eviction notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.020, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

* * *

Section 26. Subsection 'Director' in Section 23.60.908 of the Seattle Municipal Code is amended as follows:

SMC 23.60.908 Definitions -- D.

* * *

"Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development of The City of Seattle.

* * *

Section 27. Subsections 'Department' and 'Director' in Section 23.84.008 of the Seattle Municipal Code are amended as follows:

SMC 23.84.008 "D"

* * *

"Department" means the Department of ~~((Construction and Land Use))~~ Planning and Development.

* * *

"Director" means the Director of the Department of (~~Construction and Land Use~~)
Planning and Development, or the Director's designee.

* * *

Section 28. Section 25.08.060 of the Seattle Municipal Code is amended as follows:

SMC 25.08.060 Administrator.

"Administrator" means the Director of the Department of (~~Construction and Land Use~~)
Planning and Development or his or her authorized representative, except that the Director of the
(~~Seattle King County Department of~~) Public Health-Seattle and King County or his or her
authorized representative shall continue to be the "Administrator" of Subchapter VII Variances
through December 31, 1993.

Section 29. Subsection 'Director' in Section 25.09.420 of the Seattle Municipal Code is
amended as follows:

SMC 25.09.420 Definitions.

* * *

"Director" means the Director of the Department of (~~Construction and Land Use~~)
Planning and Development or his or her designee.

* * *

Section 30. Subsections 'Director' and 'Exceptional tree' in Section 25.11.020 of the
Seattle Municipal Code are amended as follows:

SMC 25.11.020 Definitions.

* * *

"Director" means the Director of the Department of (~~Design, Construction and Land
Use~~) Planning and Development.

* * *

"Exceptional tree" means a tree that because of its unique historical, ecological, or
aesthetic value constitutes an important community resource, and is designated as such by the

Director according to standards and procedures promulgated by the Department of (~~Design, Construction and Land Use~~) Planning and Development.

* * *

Section 31. Section 25.12.115 of the Seattle Municipal Code is amended as follows:

SMC 25.12.115 (~~Director of~~) Construction and Land Use.

All references in Seattle Municipal Code Chapter 25.12 to "Director of Construction and Land Use" and "Director of Design, Construction and Land Use" (~~is~~) are deemed references to the Director of the Department of (~~Construction and Land Use~~) Planning and Development of the City or such other official as may be designated from time to time to issue permits for construction, alteration, reconstruction, or demolition of improvements upon real property in the City.

Section 32. Subsections F and I in Section 25.20.010 of the Seattle Municipal Code are amended as follows:

SMC 25.20.010 Definitions.

* * *

F. "Department or Director of Construction and Land Use" is the Department or Director of (~~Construction and Land Use~~) Planning and Development of the City of Seattle or such other official as may be designated from time to time to issue permits for construction or demolition of improvements upon real property in the City.

* * *

I. "Significant change" is any change in external appearance, other than routine maintenance or repair in kind, not requiring a permit from the Director of (~~Construction and Land Use~~) Planning and Development, but for which a certificate of approval is expressly required by the Landmarks Board and by this chapter.

Section 33. Subsection E in Section 25.22.020 of the Seattle Municipal Code is amended as follows:

SMC 25.22.020 Definitions

* * *

E. "Director" is the Director of the Department of ~~((Construction and Land Use))~~
Planning and Development of the City or such other official as may be designated from time to
time to issue permits for construction, alteration, reconstruction or demolition of improvements
upon real property in the City.

* * *

Section 34. Subsections B and C in Section 25.22.130 of the Seattle Municipal Code are
amended as follows:

SMC 25.22.130 Appeal to Hearing Examiner.

* * *

B. When the proposed action that is the subject of the certificate of approval is also the
subject of one (1) or more related permit applications under review by the Department of
~~((Design, Construction and Land Use))~~ Planning and Development, then the appellant must also
file notice of the appeal with the Department of ~~((Design, Construction and Land Use))~~ Planning
and Development, and the appeal of the certificate of approval shall not be heard until all of the
time periods for filing administrative appeals on the other permits have expired except that an
appeal of a certificate of approval for the preliminary design or for subsequent design phases
may proceed immediately according to Section 25.22.100 without being consolidated. If one (1)
or more appeals are filed regarding the other permits, then the appeal of the certificate of
approval shall be consolidated with them and shall be heard according to the same timelines
established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
proceed independently according to the timelines set by the state for such appeals, and except
that an appeal of a certificate of approval for a preliminary design or for a subsequent design
phase may proceed according to Section 25.22.100 without being consolidated. If the related

1 permit decisions would not be appealable, then the appeal of the certificate of approval decision
2 shall proceed immediately after it is filed.

3 C. The applicant for the certificate of approval may elect to have the appeal proceed
4 immediately rather than postponed for consolidation with appeals of related permit applications,
5 if the applicant agrees in writing that the Department of ~~((Design, Construction and Land Use))~~
6 Planning and Development may suspend its review of the related permits, and that the time
7 period for review of those permits shall be suspended until the Hearing Examiner issues a
8 decision on the appeal of the certificate of approval.

9 * * *

10 Section 35. Subsections B and C in Section 25.24.080 of the Seattle Municipal Code are
11 amended as follows:

12 **SMC 25.24.080 Appeal to Hearing Examiner.**

13 * * *

14 B. When the proposed action that is the subject of the certificate of approval is also the
15 subject of one (1) or more related permit applications under review by the Department of
16 ~~((Design, Construction and Land Use))~~ Planning and Development, then the appellant must also
17 file notice of the appeal with the Department of ~~((Design, Construction and Land Use))~~ Planning
18 and Development, and the appeal of the certificate of approval shall not be heard until all of the
19 time periods for filing administrative appeals on the other permits have expired except that an
20 appeal of a certificate of approval for the preliminary design or for subsequent design phases
21 may proceed immediately according to Section 25.24.060 without being consolidated. If one (1)
22 or more appeals are filed regarding the other permits, then the appeal of the certificate of
23 approval shall be consolidated with them and shall be heard according to the same timelines
24 established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
25 proceed independently according to the timelines set by the state for such appeals and except that
26 an appeal of a certificate of approval for a preliminary design or for a subsequent design phase
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may proceed according to Section 25.24.060 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of ~~((Design, Construction and Land Use))~~ Planning and Development may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

* * *

Section 36. Subsection H in Section 25.28.230 of the Seattle Municipal Code is amended as follows:

SMC 25.28.230 Definitions.

* * *

H. "Superintendent" means the Director of ~~((Construction and Land Use))~~ Planning and Development and shall also include any duly authorized representative of the Director.

Section 37. In all ordinances passed prior to this ordinance, including both codified and uncoded ordinances, references to the Department or Director of Construction and Land Use, Design, Construction and Land Use or DCLU, shall be deemed references to the Department or Director of Planning and Development or DPD, except when the historical reference to Department or Director of Construction and Land Use, Design Construction and Land Use or DCLU is called for by context.

Section 38. In the event any section or subsection of the Seattle Municipal Code authorized to be amended herein has heretofore been repealed, that earlier repeal shall be given

1 full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or
2 subsection.

3
4 Section 39. In the event a subsequent ordinance refers to a position, office, or department
5 name amended or authorized to be amended by this ordinance, it is the express intent of the City
6 Council that that reference shall be deemed to mean the new name of the office, position, or
7 department as set forth in this ordinance, and shall not be construed to resurrect the old name of
8 the position, office, or department unless expressly provided by reference to this ordinance.

9
10 Section 40. It is the express intent of the City Council that, in the event a subsequent
11 ordinance refers to or amends a section or subsection of the Seattle Municipal Code authorized
12 to be amended by this ordinance, but the later ordinance fails to account for the name change
13 made by this ordinance, the later ordinance shall be deemed to refer to the new name of the
14 department.

15
16 Section 41. Severability. The several provisions of this ordinance are declared to be
17 separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section,
18 or portion of this ordinance, or the invalidity of the application thereof to any person or
19 circumstance, shall not affect the validity of the remainder of this ordinance of the validity of its
20 application to other persons or circumstances.

21
22 Section 42. Any act consistent with the authority and before the effective date of this
23 ordinance is hereby ratified and confirmed.

Section 43. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2003, and signed by me in
open session in authentication of its passage this ____ day of _____, 2003.

President of the City Council

Approved by me this day of , 2003.

Gregory J. Nickels, Mayor

Filed by me this _____ day of _____, 2003.

City Clerk

(Seal)